

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

AMANDA KNAPP-ELLIS, on behalf of )  
herself and others similarly situated, )

No. 2:13-cv-01967-RSM

Plaintiff, )

DECLARATION OF  
ANDREW D. SHAFER IN SUPPORT  
OF MOTION TO STAY ACTION

STELLAR RECOVERY, INC., a )  
Florida corporation, )

Defendant. )

I, Andrew D. Shafer, under penalty of perjury under 28 U.S.C. §1746, declare as follows:

1. I am the attorney for RPM in this matter. I base this declaration on my personal knowledge.

2. On April 2, 2014, I examined the FCC on-line docket filings for CG 02-278.

This proceeding, entitled *In the Matter of Rules and Regulations Implementing the*

DECLARATION OF ANDREW D. SHAFER  
RE: DEFENDANT'S MOTION TO STAY  
PROCEEDING - 1  
[2:13-cv-01967-RSM]

SIMBURG, KETTER,  
SHEPPARD & PURDY, LLP  
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SEATTLE, WASHINGTON 98104-4089  
(206) 382-2600 FAX: (206) 223-3929

1 *Telephone Consumer Protection Act of 1991*, remains an active proceeding. Between  
2 October 30, 2009<sup>1</sup> and the day plaintiff filed her action, the FCC received 3,022 filings from  
3 petitioners, commentators, consumers and consumer advocates and businesses and trade  
4 associations regarding the TCPA.

5 3. Attached as Exhibit 1 is a true, correct and complete copy of FCC  
6 Commissioner Michael O’Rielly’s March 25, 2014 press release which appears on his FCC  
7 Blog page on the FCC website ([www.fcc.gov](http://www.fcc.gov)) urging Commission action to correct  
8 confusion and ambiguity that surrounds the TCPA.

9 4. Attached as Exhibit 2 is the *Petition for Rule Making of ACA International*,  
10 FCC Dkt CG 02-278, filed January 31, 2014.

11 5. Attached as Exhibit 3 is a true, correct and complete copy of the *Petition for*  
12 *Declaratory Ruling of Communication Innovators*, FCC Docket CG 02-278, filed June 7,  
13 2012 and *Reply Comments of Communication Innovators* filed November 30, 2012.

14 6. Attached as Exhibit 4 is a true, correct and complete copy of *GroupMe, Inc.’s*  
15 *Petition for Expedited Declaratory Ruling and Clarification*, FCC Docket CG 02-278, filed  
16 March 1, 2012.

17 7. Attached as Exhibit 5 is a true, correct and complete copy of *In re Cargo*  
18 *Airline Association Petition for Expedited Declaratory Ruling* (CG 02-278) (filed August  
19 17, 2012) (“CAA Petition”).

22 <sup>1</sup> Plaintiff filed this action on October 30, 2013. The TCPA is governed by a 4 year statute of limitations.  
23

1           8.       Attached as Exhibit 6 is a true, correct and complete copy of *Petition of*  
2 *YouMail, Inc. for Expedited Declaratory Ruling*, FCC Docket CG 02-278, filed April 19,  
3 2013 and *Reply Comments of YouMail, Inc.*, filed August 9, 2013.

4           9.       Attached as Exhibit 7 is a true, correct and complete copy of *Petition of*  
5 *GlideTalk, Ltd. for Expedited Declaratory Ruling*, FCC CG Dkt 02-278, filed October 28,  
6 2013.

7           10.      Attached as Exhibit 8 is a true, correct and complete copy of *In Re Petition of*  
8 *United Healthcare Services for Declaratory Ruling Regarding Reassigned Wireless*  
9 *Telephone Numbers*, CG Dkt 02-278 (January 16, 2014) ("United Healthcare Petition

10          11.      Attached as Exhibit 9 is a true, correct and complete copy of *Comments of*  
11 *Communication Innovators* to the *Petition of Glide Talk, Ltd.*, filed in FCC Docket CG 02-  
12 278, January 3, 2014.

13          12.      Attached as Exhibit 10 is a true, correct and complete copy of the FCC's  
14 Public Notice seeking comment to the *Glide Talk, Ltd.* petition.

15          13.      Attached as Exhibit 11 is a true, correct and complete copy of the FCC's  
16 March 27, 2014 Order in the *GroupMe* petition.

17          14.      Attached as Exhibit 12 is a true, correct and complete copy of the FCC's  
18 March 27, 2014 Order in the CAA Petition.

15. Attached as Exhibit 13 is a true, correct and complete copy of the FCC's Public Notice seeking comments to the *YouMail* petition.

Executed at Seattle, Washington this 2<sup>nd</sup> day of April, 2014.

Andrew D. Shafer  
Andrew D. Shafer

DECLARATION OF ANDREW D. SHAFER  
RE: DEFENDANT'S MOTION TO STAY  
PROCEEDING - 4  
[2:13-cv-01967-RSM]

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